

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HART OF PENNSYLVANIA, OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3199
OFFERED BY MS. HART OF PENNSYLVANIA

Add at the end the following:

1 TITLE ____—COMBATING
2 TERRORISM FINANCING

3 SECTION __01. SHORT TITLE.

4This title may be cited as the “Combating Terrorism
5 Financing Act of 2005”.

6 SEC. __02. INCREASED PENALTIES FOR TERRORISM FI-
7 NANCING.

8Section 206 of the International Emergency Eco-
9 nomic Powers Act (50 U.S.C. 1705) is amended—

10(1) in subsection (a), by deleting “\$10,000”
11and inserting “\$50,000”.

12(2) in subsection (b), by deleting “ten years”
13and inserting “twenty years”.

14 SEC. __03. TERRORISM-RELATED SPECIFIED ACTIVITIES
15 FOR MONEY LAUNDERING.

16(a) AMENDMENTS TO RICO.—Section 1961(1) of
17 title 18, United States Code, is amended—

18(1) in subparagraph (B), by inserting “section
191960 (relating to illegal money transmitters),” be-
20fore “sections 2251”; and



1 (2) in subparagraph (F), by inserting “section
2 274A (relating to unlawful employment of aliens),”
3 before “section 277”.

4 (b) AMENDMENTS TO SECTION 1956(c)(7).—Section
5 1956(c)(7)(D) of title 18, United States Code, is amended
6 by—

7 (1) inserting “, or section 2339C (relating to fi-
8 nancing of terrorism)” before “of this title”; and

9 (2) striking “or any felony violation of the For-
10 eign Corrupt Practices Act” and inserting “any fel-
11 ony violation of the Foreign Corrupt Practices Act,
12 or any violation of section 208 of the Social Security
13 Act (relating to obtaining funds through misuse of
14 a social security number)”.

15 (c) CONFORMING AMENDMENTS TO SECTIONS
16 1956(e) AND 1957(e).—

17 (1) Section 1956(e) of title 18, United States
18 Code, is amended to read as follows:

19 “(e) Violations of this section may be investigated by
20 such components of the Department of Justice as the At-
21 torney General may direct, and by such components of the
22 Department of the Treasury as the Secretary of the Treas-
23 ury may direct, as appropriate, and, with respect to of-
24 fenses over which the Department of Homeland Security
25 has jurisdiction, by such components of the Department



1 of Homeland Security as the Secretary of Homeland Secu-
2 rity may direct, and, with respect to offenses over which
3 the United States Postal Service has jurisdiction, by the
4 Postal Service. Such authority of the Secretary of the
5 Treasury, the Secretary of Homeland Security, and the
6 Postal Service shall be exercised in accordance with an
7 agreement which shall be entered into by the Secretary
8 of the Treasury, the Secretary of Homeland Security, the
9 Postal Service, and the Attorney General. Violations of
10 this section involving offenses described in paragraph
11 (c)(7)(E) may be investigated by such components of the
12 Department of Justice as the Attorney General may di-
13 rect, and the National Enforcement Investigations Center
14 of the Environmental Protection Agency.”.

15 (2) Section 1957(e) of title 18, United States
16 Code, is amended to read as follows:

17 “(e) Violations of this section may be investigated by
18 such components of the Department of Justice as the At-
19 torney General may direct, and by such components of the
20 Department of the Treasury as the Secretary of the Treas-
21 ury may direct, as appropriate, and, with respect to of-
22 fenses over which the Department of Homeland Security
23 has jurisdiction, by such components of the Department
24 of Homeland Security as the Secretary of Homeland Secu-
25 rity may direct, and, with respect to offenses over which



1 the United States Postal Service has jurisdiction, by the
2 Postal Service. Such authority of the Secretary of the
3 Treasury, the Secretary of Homeland Security, and the
4 Postal Service shall be exercised in accordance with an
5 agreement which shall be entered into by the Secretary
6 of the Treasury, the Secretary of Homeland Security, the
7 Postal Service, and the Attorney General.”.

8 **SEC. __04. ASSETS OF PERSONS COMMITTING TERRORIST**
9 **ACTS AGAINST FOREIGN COUNTRIES OR**
10 **INTERNATIONAL ORGANIZATIONS.**

11 Section 981(a)(1)(G) of title 18, United States Code,
12 is amended—

13 (1) by striking “or” at the end of clause (ii);

14 (2) by striking the period at the end of clause

15 (iii) and inserting “; or”; and

16 (3) by inserting the following after clause (iii):

17 “(iv) of any individual, entity, or or-
18 ganization engaged in planning or perpe-
19 trating any act of international terrorism
20 (as defined in section 2331) against any
21 international organization (as defined in
22 section 209 of the State Department Basic
23 Authorities Act of 1956 (22 U.S.C.
24 4309(b)) or against any foreign Govern-
25 ment. Where the property sought for for-



1 feiture is located beyond the territorial
2 boundaries of the United States, an act in
3 furtherance of such planning or perpetra-
4 tion must have occurred within the juris-
5 diction of the United States.”.

6 **SEC. __05. MONEY LAUNDERING THROUGH HAWALAS.**

7 Section 1956 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(j) (1) For the purposes of subsections (a)(1) and
10 (a)(2), a transaction, transportation, transmission, or
11 transfer of funds shall be considered to be one involving
12 the proceeds of specified unlawful activity, if the trans-
13 action, transportation, transmission, or transfer is part of
14 a set of parallel or dependent transactions, any one of
15 which involves the proceeds of specified unlawful activity.

16 “(2) As used in this section, a ‘dependent trans-
17 action’ is one that completes or complements another
18 transaction or one that would not have occurred but for
19 another transaction.”.

20 **SEC. __06. TECHNICAL AND CONFORMING AMENDMENTS**
21 **RELATING TO THE USA PATRIOT ACT.**

22 (a) TECHNICAL CORRECTIONS.—

23 (1) Section 322 of Public Law 107–56 is
24 amended by striking “title 18” and inserting “title
25 28”.



1 (2) Section 5332(a)(1) of title 31, United
2 States Code, is amended by striking “article of lug-
3 gage” and inserting “article of luggage or mail”.

4 (3) Section 1956(b)(3) and (4) of title 18,
5 United States Code, are amended by striking “de-
6 scribed in paragraph (2)” each time it appears; and

7 (4) Section 981(k) of title 18, United States
8 Code, is amended by striking “foreign bank” each
9 time it appears and inserting “foreign bank or fi-
10 nancial institution”.

11 (b) CODIFICATION OF SECTION 316 OF THE USA
12 PATRIOT ACT.—

13 (1) Chapter 46 of title 18, United States Code,
14 is amended—

15 (A) by inserting at the end the following:

16 **“§ 987. Anti-terrorist forfeiture protection**

17 “(a) RIGHT TO CONTEST.—An owner of property
18 that is confiscated under this chapter or any other provi-
19 sion of law relating to the confiscation of assets of sus-
20 pected international terrorists, may contest that confisca-
21 tion by filing a claim in the manner set forth in the Fed-
22 eral Rules of Civil Procedure (Supplemental Rules for Cer-
23 tain Admiralty and Maritime Claims), and asserting as an
24 affirmative defense that—



1 “(1) the property is not subject to confiscation
2 under such provision of law; or

3 “(2) the innocent owner provisions of section
4 983(d) apply to the case.

5 “(b) EVIDENCE.—In considering a claim filed under
6 this section, a court may admit evidence that is otherwise
7 inadmissible under the Federal Rules of Evidence, if the
8 court determines that the evidence is reliable, and that
9 compliance with the Federal Rules of Evidence may jeop-
10 ardize the national security interests of the United States.

11 “(c) CLARIFICATIONS.—

12 “(1) PROTECTION OF RIGHTS.—The exclusion
13 of certain provisions of Federal law from the defini-
14 tion of the term ‘civil forfeiture statute’ in section
15 983(i) shall not be construed to deny an owner of
16 property the right to contest the confiscation of as-
17 sets of suspected international terrorists under—

18 “(A) subsection (a) of this section;

19 “(B) the Constitution; or

20 “(C) subchapter II of chapter 5 of title 5,
21 United States Code (commonly known as the
22 ‘Administrative Procedure Act’).

23 “(2) SAVINGS CLAUSE.—Nothing in this section
24 shall limit or otherwise affect any other remedies



1 that may be available to an owner of property under
2 section 983 or any other provision of law.”; and

3 (B) in the chapter analysis, by inserting at
4 the end the following:

“987. Anti-terrorist forfeiture protection.”.

5 (2) Subsections (a), (b), and (c) of section 316
6 of Public Law 107–56 are repealed.

7 (c) CONFORMING AMENDMENTS CONCERNING CON-
8 SPIRACIES.—

9 (1) Section 33(a) of title 18, United States
10 Code is amended by inserting “or conspires” before
11 “to do any of the aforesaid acts”.

12 (2) Section 1366(a) of title 18, United States
13 Code, is amended—

14 (A) by striking “attempts” each time it ap-
15 pears and inserting “attempts or conspires”;
16 and

17 (B) by inserting “, or if the object of the
18 conspiracy had been achieved,” after “the at-
19 tempted offense had been completed”.

20 **SEC. __07. TECHNICAL CORRECTIONS TO FINANCING OF**
21 **TERRORISM STATUTE.**

22 Section 2332b(g)(5)(B) of title 18, United States
23 Code, is amended by inserting “)” after “2339C (relating
24 to financing of terrorism”.



1 **SEC. __08. CROSS REFERENCE CORRECTION.**

2 Section 5318(n)(4)(A) of title 31, United States
3 Code, is amended by striking “National Intelligence Re-
4 form Act of 2004” and inserting “Intelligence Reform and
5 Terrorism Prevention Act of 2004”.

6 **SEC. __09. AMENDMENT TO AMENDATORY LANGUAGE.**

7 Section 6604 of the Intelligence Reform and Ter-
8 rorism Prevention Act of 2004 is amended [,effective on
9 the date of the enactment of that Act]—

10 (1) by striking “Section 2339c(e)(2)” and in-
11 serting “Section 2339C(e)(2)”; and

12 (2) by striking “Section 2339c(e)” and insert-
13 ing “Section 2339C(e)”.

14 **SEC. __10. DESIGNATION OF ADDITIONAL MONEY LAUN-**
15 **DERING PREDICATE.**

16 Section 1956(c)(7)(D) of title 18, United States
17 Code, is amended—

18 (1) by inserting “, or section 2339D (relating
19 to receiving military-type training from a foreign
20 terrorist organization)” after “section 2339A or
21 2339B (relating to providing material support to
22 terrorists)”; and

23 (2) by striking “or” before “section 2339A or
24 2339B”.

